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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,912	09/23/2004	Bernard Grehant	92936	8162

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EXAMINER

NGUYEN, NAM V

ART UNIT	PAPER NUMBER
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2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/508,912

Applicant(s)

GREHANT, BERNARD

Examiner

Nam V. Nguyen

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to applicant's Amendment which is filed December 20, 2006.

Claims 10-18 are pending.

Response to Arguments

The amended paragraphs in specification correct the unreadable section and the replacement drawing(s) were received on December 20, 2006. These drawing are accepted. Therefore, examiner has withdrawn the objection to Specification and Drawings.

Applicant's argument to the rejected claims are insufficient to distinguish the claimed invention from the cited prior arts or overcome the rejection of said claims under 35 U.S.C § 103(a) as discussed below. Applicant's argument with respect to the pending claims 10-18, filed December 20, 2006, have been fully considered but they are not persuasive for at least the following reasons.

On page 5, last paragraph, Applicant's arguments with respect to the invention in Flick and Gosling does not teach or suggest all of the features of the present claim is not persuasive.

As defined by claim 1, the remote transmitter 50 of Flick transmits a unique code to the controller 11 of a building security system 10 for the controller 11 to performs learned code verification to generate an indication relating to whether a new remote control transmitter has been learned by the controller 11 (column 6 lines 46 to 59; see Figures 1 to 3). The controller 11 of a building security system 10 determines whether a new transmitter code has been received, if a code is received, the controller is updated to a new code. The controller 11 is able to delete the old code in the hold file. The controller operates with the new temporary codes upon exit from the learning mode (column 8 lines 26 to 67; see Figures 6-7). Clearly, the controller is able to operate in a normal mode and a learning mode and the controller able to delete, to learn and to verify the new unique code that has been received in order to control the building sensor.

Gosling discloses a system for transmission of embedded applications using RF transmissions. A remote control device 120 controls each of the enclosures 120 to perform the function that people identify with the enclosure using RF transceiver 128 (column 4 lines 15 to 30; see Figure 1). A user interacts with the remote 120 via the user input device 132, the controller 122 issues different control messages to the enclosure 110 (column 4 lines 59 to column 5 line 12; see Figures 1 and 2). The controller 122 issues an associated message 150 to the specified enclosure 110 that the user selected. Upon receiving a document request message, a controller 112 of the specified enclosure 110, under control of its operation system 116, processes the message and responds accordingly (column 6 lines 20 to 39; see Figures 2 and 3). Clearly, the enclosure 110 processes controlled messages in directly executable form.

In response to Applicant's argument, on page 6, that "the device include a transfer of programs that alter the operation of the actuator/sensor from the remote to the actuator controller" does not include certain features of Applicant's invention, the limitations on which the Applicant relies (i.e. "a transfer of programs that alter the operation of the actuator/sensor from the remote") are not stated in the claims. It is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices Inc.*, 7 USPQ2d 1064.

Furthermore, Applicant's arguments that the information transferred is in the form of executable programs that affect the ability of the actuator, not the remote, to control different devices is not persuasive. Gosling disclosed the remote control device 120 dynamically downloads whatever information it needs, including executable code fragments and flat files, from the enclosure 110 to be controlled. The remote control device 120 includes RF transceiver to receive executable code program, a computer controller 122 coordinates all operations of the elements of the remote control 120 device in conjunction with the memory 126 (column 4 lines 30 to 59; see Figures 1 and 2). Therefore, the remote control device 122 could be a device (an actuator) for the remote control for a comfort of a device installation in a building and the remote control device 122 configured to a processing program relating to the operation of the remote control device 122.

The examiner maintains that the references cited and applied in the last office actions for the rejection of the claims are maintained in this office action.

Claim Objections

Claim 10 recites the limitation "the remote control" and "the security" in line 1. There is insufficient antecedent basis for this limitation in the claim. Furthermore, examiner believes that the claims should be a system instead of a device.

Claim 17 recites the limitation "the operation", "the security", "the comfort", and "the monitoring" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-13 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick (US# 5,986,571) in view of Gosling (US# 6,618,754).

Referring to claims 10 and 17-18, Flick discloses a method and a device (11) (i.e. a building security controller) for the remote control of a sensor (20) (i.e. a building sensor) for the security or monitoring installation of a building (10) (i.e. a building security system) (column 3

lines 39 to 65; see Figures 1 to 3), comprising a processing unit (12) (i.e. a CPU), a command transmitter (50) (i.e. a remote transmitter), and a transfer means (13) (i.e. a transmitter and receiver), the device (11) configured to transfer to the processing unit (12), from the command transmitter (12), a processing program relating to the operation of the actuator and/or of the sensor (20) (column 8 lines 27 to 62; column 9 lines 1 to 24; see Figures 5 to 7).

However, Flick did not explicitly disclose said processing program stored in directly executable form.

In the same field of endeavor of remote control system, Gosling teaches a processing program (i.e. executable code) stored in directly executable form (column 4 lines 31 to 41; column 6 lines 20 to 39; column 11 lines 11 to 29; see Figures 2-5) in order to update and to control any of the enclosure equipment remotely.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize that a client user can download embedded applications to control the enclosure taught by Gosling in a building security system controlling building sensors of Flick because using an executable code would be easily to install and to execute easily by a client.

Referring to Claim 11, Flick in view of Gosling disclose the device according to claim 10, Flick discloses wherein the actuator is configured to drive a closure element (i.e. an auxiliary relay output) (column 4 lines 1 to 10; see Figures 3-4).

Referring to Claim 12, Flick in view of Gosling disclose the device according to claim 10, Flick discloses wherein the processing unit, a radio transmitter, and the actuator define a

communication, processing and actuation unit, said radio transmitter configured to communicate in a reception mode and in a transmission mode with any radio frequency device sharing the same transmission protocol, wherein the communication, processing and actuation unit is configured to receive, store, and execute the processing program (column 3 lines 40 to 65; see Figures 1 to 3).

Referring to Claim 13, Flick in view of Gosling disclose the device according to claim 12, Flick discloses wherein the processing unit (12) comprises a microprocessor which executes one or more programs contained in a program memory (14) having at least one reprogrammable portion (column 6 lines 46 to 59; column 9 lines 13 to 24; see Figure 6).

Referring to Claim 16, Flick in view of Gosling disclose the device according to claim 10, Flick discloses wherein the command transmitter (50) contains the executable program to be transferred, and includes a two-way transmitter (57), a processing and actuation unit (52), and a control unit (56), in which the program to be transferred is stored (column 4 lines 11 to 31; see Figure 2).

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick (US# 5,986,571) in view of Gosling (US# 6,618,754) as applied to Claim 13, and in further view of Esfahani et al. (US# 6,434,695).

Referring to Claim 14, Flick in view of Gosling disclose the device according to claim 13, however, Flick in view of Gosling did not explicitly disclose wherein a non-erasable program memory contains a storage area configured to store at least one code segment relating to the type of hardware installed in the processing unit and wherein the reprogrammable memory contains a storage area configured to store at least one code segment relating to an application.

In the same field of endeavor of programming an operating system, Esfahani et al. teach hardware initialization code store in ROM and software store in RAM (column 4 lines 6 to 25; see Figures 1 and 2) in order to improve reliability and to reduce reprogramming cost.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize that using a ROM to store hardware initialization code and a RAM to store an software taught by Esfahani et al. in a building security system of Flick in view of Gosling because using ROM and RAM to store hardware code and software application would reduce reprogramming code of a security system.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Brian Zimmerman can be reached on 571- 272-3059. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen
March 15, 2007



BRIAN ZIMMERMAN
PRIMARY EXAMINER